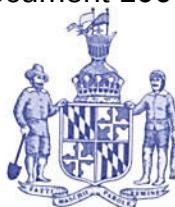


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OFFICE OF THE ATTORNEY GENERAL

Health Occupations Prosecution and Litigation Division

FAX NO.

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410.767.1875

March 18, 2013

The Honorable Susan K. Gauvey
United States District Magistrate Judge
101 W. Lombard Street
Baltimore, Maryland 21201

Re: Defendants' Status Report
Scott v. Department of Corrections
U.S. District Court – Case No. 1:09-cv-03328-JFM

Dear Magistrate Judge Gauvey,

Per Your Honor's Order of December 7, 2012, Defendants submit this letter regarding the status of the above-referenced case.

To date, most, if not all, of the documents responsive to both parties' discovery requests have been exchanged. Also, on or about February 28, 2013, the parties filed a Consent Motion to Amend Scheduling Order along with a proposed Second Amended Scheduling Order, copies of which are attached for your convenience. To date, no Order has been issued in this regard.

The undersigned continues to make efforts to schedule the Plaintiff's deposition and to assist Plaintiff's counsel in scheduling the depositions of Defendants and others; however, a schedule has yet to be established. Plaintiff's counsel insists that Plaintiff's deposition cannot be accomplished until Defendants' depositions are accomplished but has not confirmed proposed dates, times or the specific names of those he would like to depose on a given date. On or about March 15, 2013, Plaintiff requested additional hours during which to depose Defendants and others. Defendant's do not object to this request. I am hopeful that once there is a ruling on Plaintiff's request and the Consent Motion, Plaintiff will make every effort to finalize a deposition schedule that can be accomplished before the proposed deadline of May 20, 2013.

Should Your Honor require additional information, please do not hesitate to contact me.

The Honorable Susan K. Gauvey

Re: Status Report

Scott v. Department of Corrections

U.S. District Court – Case No. 1:09-cv-03328-JFM

Respectfully,

DOUGLAS F. GANSLER
ATTORNEY GENERAL OF MARYLAND

/s/

Francesca Gibbs
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Assistant Attorney General
Maryland Attorney General's Office
300 West Preston Street, Suite 201
Baltimore, Maryland 21201
Ph: 410.767.1875
Fax: 410.333.7467
E-Mail: francesca.gibbs@maryland.gov

Enclosures

cc: Stephanie Lane-Weber, Esquire, Assistant Attorney General, Counsel for Defendants
Laurence A. Marder, Esquire, Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

PHILLIP MICHAEL SCOTT, #348-326 *

Plaintiff, *

vs. *

Case No. JFM-09-3328

DEPARTMENT OF CORRECTIONS, *et al.**

Defendants. *

* * * * *

SECOND CONSENT MOTION TO AMEND SCHEDULING ORDER

Defendants, Correctional Officers Lee Ingram, John Whiteman, Gene Miller, Deron Sterling, Dennis Messer, Kenneth Horning, Bradley Wetzel, Rodney Gardenhour, and Michael Stouffer (collectively "Defendants") by and through their counsel, Douglas F. Gansler, Attorney General of Maryland, and Francesca Gibbs, Assistant Attorney General, move to amend the scheduling order in this matter for the following reasons:

1. Plaintiff Phillip Scott ("Plaintiff") seeks to take approximately twelve (12) depositions, and Defendants seek to depose Plaintiff. To date, Counsel has encountered a great deal of difficulty coordinating their respective schedules, along with those of the witnesses, in order to arrange for these depositions. Further, Plaintiff's counsel recently indicated he intends to request a total of fifteen (15) hours to accomplish his requested depositions.
2. Counsel have exchanged all written forms of discovery at this point.

3. By way of a conference with Plaintiff's counsel, undersigned counsel has agreed that sixty (60) day extension of most deadlines would assist the parties in accomplishing these depositions.
4. A proposed order is attached.
5. Plaintiff's court-appointed lawyer, Laurence A. Marder, Esq., kindly consents to the granting of this Motion.
6. This Motion is not made for purposes of delay.

WHEREFORE, it is respectfully requested that this Court amend the scheduling order.

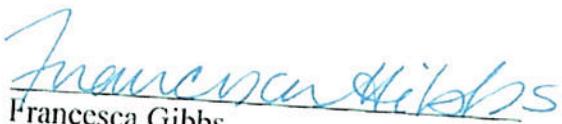
Respectfully submitted,
DOUGLAS F. GANSLER


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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 28th day of February, 2013, that a copy of Defendants' Second Motion to Amend Scheduling Order, and proposed Second Amended Scheduling Order was delivered electronically to:

Laurence Marder, Esquire
Federal Bar No. 02443
Salsbury Clements Bekman
Marder & Adkins, LLC
300 W. Pratt Street, Suite 450
Baltimore, Maryland 21201
(410) 539-6633
Attorney for Plaintiff


Francesca Gibbs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

PHILLIP MICHAEL SCOTT, #348-326 *

Plaintiff, *

vs. * Case No. JFM-09-3328

DEPARTMENT OF CORRECTIONS, *et al.**

Defendants. *

* * * * * * * * * * * * *

SECOND AMENDED SCHEDULING ORDER

Upon this Court's consideration of the Second Consent Motion to Amend Scheduling Order filed by Defendants, said Motion is hereby **GRANTED**, and the Second Amended Scheduling Order is as follows:

Discovery deadline (including depositions); May 20, 2013
submission of status report

Requests for admission June 10, 2013

Ex parte settlement letter to June 12, 2013
U.S. Magistrate Judge Gauvey

Plaintiff's demand letter and itemization June 12, 2013
of damages due to Defendants

Defendants' offer letter due to Plaintiff June 19, 2013

Settlement conference June 26, 2013

Dispositive pretrial motions deadline October 18, 2013

Date

Judge